

105TH CONGRESS
1ST SESSION

H. R. 1273

To authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. SCHIFF introduced the following bill; which was referred to the Committee on Science

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Science
5 Foundation Authorization Act of 1997”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act—

8 (1) the term “Director” means the Director of
9 the Foundation;

1 (2) the term “Foundation” means the National
2 Science Foundation;

3 (3) the term “institution of higher education”
4 has the meaning given such term in section 1201(a)
5 of the Higher Education Act of 1965;

6 (4) the term “national research facility” means
7 a research facility funded by the Foundation which
8 is available, subject to appropriate policies allocating
9 access, for use by all scientists and engineers affili-
10 ated with research institutions located in the United
11 States; and

12 (5) the term “United States” means the several
13 States, the District of Columbia, the Commonwealth
14 of Puerto Rico, the Virgin Islands, Guam, American
15 Samoa, the Commonwealth of the Northern Mariana
16 Islands, and any other territory or possession of the
17 United States.

18 **TITLE I—NATIONAL SCIENCE**
19 **FOUNDATION AUTHORIZATION**

20 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) FINDINGS.—The Congress finds that—

22 (1) the programs of the Foundation are impor-
23 tant for the Nation to strengthen basic research and
24 develop human resources in science and engineering,

1 and that those programs should be funded at an
2 adequate level;

3 (2) the primary mission of the Foundation con-
4 tinues to be the support of basic scientific research
5 and science education and the support of research
6 fundamental to the engineering process and engi-
7 neering education; and

8 (3) the Foundation's efforts to contribute to the
9 economic competitiveness of the United States
10 should be in accord with that primary mission.

11 (b) FISCAL YEAR 1998.—There are authorized to be
12 appropriated to the Foundation \$3,505,630,000 for fiscal
13 year 1998, which shall be available for the following cat-
14 egories:

15 (1) Research and Related Activities,
16 \$2,563,330,000, of which—

17 (A) \$330,820,000 shall be for Biological
18 Sciences;

19 (B) \$284,170,000 shall be for Computer
20 and Information Science and Engineering;

21 (C) \$360,470,000 shall be for Engineering;

22 (D) \$452,610,000 shall be for Geosciences;

23 (E) \$715,710,000 shall be for Mathemati-
24 cal and Physical Sciences;

1 (F) \$130,660,000 shall be for Social, Be-
2 havioral, and Economic Sciences, including
3 \$1,000,000 for the United States-Mexico Foun-
4 dation for Science;

5 (G) \$165,930,000 shall be for United
6 States Polar Research Programs;

7 (H) \$62,600,000 shall be for United
8 States Antarctic Logistical Support Activities;
9 and

10 (I) \$2,730,000 shall be for the Critical
11 Technologies Institute.

12 (2) Education and Human Resources Activities,
13 \$625,500,000.

14 (3) Major Research Equipment, \$175,000,000.

15 (4) Salaries and Expenses, \$136,950,000, of
16 which \$5,200,000 shall be for Headquarters Reloca-
17 tion.

18 (5) Office of Inspector General, \$4,850,000.

19 (c) FISCAL YEAR 1999.—There are authorized to be
20 appropriated to the Foundation \$3,613,630,000 for fiscal
21 year 1999, which shall be available for the following cat-
22 egories:

23 (1) Research and Related Activities,
24 \$2,740,000,000, including \$1,000,000 for the Unit-
25 ed States-Mexico Foundation for Science.

1 (2) Education and Human Resources Activities,
2 \$644,245,000.

3 (3) Major Research Equipment, \$90,000,000.

4 (4) Salaries and Expenses, \$134,385,000.

5 (5) Office of Inspector General, \$5,000,000.

6 **SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND**
7 **RELATED ACTIVITIES AMOUNTS.**

8 If the amount appropriated pursuant to section
9 101(b)(1) or (c)(1) is less than the amount authorized
10 under that paragraph, the amount available for each sci-
11 entific directorate under that paragraph shall be reduced
12 by the same proportion.

13 **SEC. 103. CONSULTATION AND REPRESENTATION EX-**
14 **PENSES.**

15 From appropriations made under authorizations pro-
16 vided in this Act, not more than \$10,000 may be used
17 in each fiscal year for official consultation, representation,
18 or other extraordinary expenses at the discretion of the
19 Director. The determination of the Director shall be final
20 and conclusive upon the accounting officers of the Govern-
21 ment.

22 **TITLE II—GENERAL PROVISIONS**

23 **SEC. 201. NATIONAL RESEARCH FACILITIES.**

24 (a) FACILITIES PLAN.—The Director shall provide to
25 Congress, not later than December 1 of each year, a plan

1 for the proposed construction of, and repair and upgrades
2 to, national research facilities. The plan shall include esti-
3 mates of the cost for such construction, repairs, and up-
4 grades, and estimates of the cost for the operation and
5 maintenance of existing and proposed new facilities. For
6 proposed new construction and for major upgrades to ex-
7 isting facilities, the plan shall include funding profiles by
8 fiscal year and milestones for major phases of the con-
9 struction. The plan shall include cost estimates in the cat-
10 egories of construction, repair, and upgrades for the year
11 in which the plan is submitted to Congress and for not
12 fewer than the succeeding 4 years.

13 (b) STATUS OF FACILITIES UNDER CONSTRUC-
14 TION.—The plan required under subsection (a) shall in-
15 clude a status report for each uncompleted construction
16 project included in the current and previous plans. The
17 status report shall include data on cumulative construction
18 costs by project compared with estimated costs, and shall
19 compare the current and original schedules for achieve-
20 ment of milestones for major phases of the construction.

21 (c) LIMITATION ON OBLIGATION OF UNAUTHORIZED
22 APPROPRIATIONS.—No funds appropriated for any project
23 which involves construction of new national research facili-
24 ties or construction necessary for upgrading the capabili-
25 ties of existing national research facilities shall be obli-

1 gated unless the funds are specifically authorized for such
 2 purpose by this Act or any other Act which is not an ap-
 3 propriations Act, or unless the total estimated cost to the
 4 Foundation of the construction project is less than
 5 \$50,000,000. This subsection shall not apply to construc-
 6 tion projects approved by the National Science Board
 7 prior to June 30, 1997.

8 **SEC. 202. ADMINISTRATIVE AMENDMENTS.**

9 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
 10 AMENDMENTS.—The National Science Foundation Act of
 11 1950 (42 U.S.C. 1861 et seq.) is amended—

12 (1) in section 4 (42 U.S.C. 1863)—

13 (A) by striking “the appropriate rate pro-
 14 vided for individuals in grade GS–18 of the
 15 General Schedule under section 5332” in sub-
 16 section (g) and inserting in lieu thereof “the
 17 maximum rate payable under section 5376”;
 18 and

19 (B) by redesignating the subsection (k)
 20 that was added by section 108 of the National
 21 Science Foundation Authorization Act of 1988
 22 as subsection (l);

23 (2) in section 5(e) (42 U.S.C. 1864(e)) by
 24 amending paragraph (2) to read as follows:

1 “(2) Any delegation of authority or imposition of con-
2 ditions under paragraph (1) shall be promptly published
3 in the Federal Register and reported to the Committees
4 on Labor and Human Resources and Commerce, Science,
5 and Transportation of the Senate and the Committee on
6 Science of the House of Representatives.”;

7 (3) in section 14(c) (42 U.S.C. 1873(c))—

8 (A) by inserting “be entitled to” between
9 “shall” and “receive”;

10 (B) by inserting “, including traveltime,”
11 after “Foundation”;

12 (C) by striking “the rate specified for the
13 daily rate for GS–18 of the General Schedule
14 under section 5332” and inserting in lieu there-
15 of “the maximum rate payable under section
16 5376”; and

17 (D) by adding at the end the following new
18 sentence: “Members of the Board and special
19 commissions may waive compensation and reim-
20 bursement for travel expenses.”; and

21 (4) by striking “Atomic Energy Commission” in
22 section 15(a) (42 U.S.C. 1874(a)) and inserting in
23 lieu thereof “Secretary of Energy”.

24 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
25 TION ACT, 1976 AMENDMENTS.—Section 6(a) of the Na-

1 tional Science Foundation Authorization Act, 1976 (42
2 U.S.C. 1881a(a)) is amended by striking “social,” the
3 first place it appears.

4 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
5 TION ACT OF 1988 AMENDMENTS.—(1) Section
6 117(a)(1)(B)(v) of the National Science Foundation Au-
7 thorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is
8 amended to read as follows:

9 “(v) from schools established outside the several
10 States and the District of Columbia by any agency
11 of the Federal Government for dependents of its em-
12 ployees.”.

13 (2) Section 117(a)(3)(A) of such Act (42 U.S.C.
14 1881b(3)(A)) is amended by striking “Science and Engi-
15 neering Education” and inserting in lieu thereof “Edu-
16 cation and Human Resources”.

17 (d) SCIENCE AND ENGINEERING EQUAL OPPORTUNI-
18 TIES ACT AMENDMENTS.—The Science and Engineering
19 Equal Opportunities Act is amended—

20 (1) in section 34 (42 U.S.C. 1885b))—

21 (A) by amending the section heading to
22 read as follows: “PARTICIPATION IN SCIENCE
23 AND ENGINEERING OF MINORITIES AND PER-
24 SONS WITH DISABILITIES”; and

1 (B) by amending subsection (b) to read as
2 follows:

3 “(b) The Foundation is authorized to undertake or
4 support programs and activities to encourage the partici-
5 pation of persons with disabilities in the science and engi-
6 neering professions.”; and

7 (2) in section 36 (42 U.S.C. 1885c)—

8 (A) by striking “minorities, ” and all that
9 follows through “in scientific” in subsection (a)
10 and inserting in lieu thereof “minorities, and
11 persons with disabilities in scientific”;

12 (B) in subsection (b)—

13 (i) by striking “with the concurrence
14 of the National Science Board”; and

15 (ii) by amending the second sentence
16 thereof to read as follows: “In addition, the
17 Chairman of the National Science Board
18 may designate a member of the Board as
19 a member of the Committee.”;

20 (C) by striking subsections (c) and (d);

21 (D) by redesignating subsections (e) and
22 (f) as subsections (d) and (e), respectively;

23 (E) by inserting after subsection (b) the
24 following new subsection:

1 “(c) The Committee shall be responsible for reviewing
2 and evaluating all Foundation matters relating to partici-
3 pation in, opportunities for, and advancement in edu-
4 cation, training, and research in science and engineering
5 of women, minorities, and persons with disabilities.”; and

6 (F) in subsection (d), as so redesignated
7 by subparagraph (D) of this paragraph, by
8 striking “additional”.

9 (e) TECHNICAL AMENDMENT.—The second sub-
10 section (g) of section 3 of the National Science Foundation
11 Act of 1950 is repealed.

12 **SEC. 203. INDIRECT COSTS.**

13 (a) MATCHING FUNDS.—Matching funds required
14 pursuant to section 204(a)(2)(C) of the Academic Re-
15 search Facilities Modernization Act of 1988 (42 U.S.C.
16 1862c(a)(2)(C)) shall not be considered facilities costs for
17 purposes of determining indirect cost rates.

18 (b) REPORT.—The Director of the Office of Science
19 and Technology Policy, in consultation with other relevant
20 agencies, shall prepare a report analyzing what steps
21 would be needed to—

22 (1) reduce by 10 percent the proportion of Fed-
23 eral assistance to institutions of higher education
24 that are allocated for indirect costs; and

1 (2) reduce the variance among indirect cost
2 rates of different institutions of higher education, in-
3 cluding an evaluation of the relative benefits and
4 burdens of each option on institutions of higher edu-
5 cation. Such report shall be transmitted to the Con-
6 gress no later than December 31, 1997.

7 **SEC. 204. FINANCIAL DISCLOSURE.**

8 Persons temporarily employed by or at the Founda-
9 tion shall be subject to the same financial disclosure re-
10 quirements and related sanctions under the Ethics in Gov-
11 ernment Act of 1978 as are permanent employees of the
12 Foundation in equivalent positions.

13 **SEC. 205. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
14 **DUTY.**

15 In order to be eligible to receive funds from the Foun-
16 dation after September 30, 1997, an institution of higher
17 education must provide that whenever any student of the
18 institution who is a member of the National Guard, or
19 other reserve component of the Armed Forces of the Unit-
20 ed States, is called or ordered to active duty, other than
21 active duty for training, the institution shall grant the
22 member a military leave of absence from their education.
23 Persons on military leave of absence from their institution
24 shall be entitled, upon release from military duty, to be
25 restored to the educational status they had attained prior

1 to their being ordered to military duty without loss of aca-
 2 demic credits earned, scholarships or grants awarded, or
 3 tuition and other fees paid prior to the commencement of
 4 the military duty. It shall be the duty of the institution
 5 to refund tuition or fees paid or to credit the tuition and
 6 fees to the next semester or term after the termination
 7 of the educational military leave of absence at the option
 8 of the student.

9 **SEC. 206. SCIENCE STUDIES INSTITUTE.**

10 (a) AMENDMENT.—Section 822 of the National De-
 11 fense Authorization Act for Fiscal 1991 (42 U.S.C. 6686)
 12 is amended—

13 (1) by striking “Critical Technologies Institute”
 14 in the section heading and in subsection (a), and in-
 15 serting in lieu thereof “Science Studies Institute”;

16 (2) in subsection (b) by striking “As deter-
 17 mined by the chairman of the committee referred to
 18 in subsection (c), the” and inserting in lieu thereof
 19 “The”;

20 (3) by striking subsection (c), and redesignating
 21 subsections (d), (e), (f), and (g) as subsections (c),
 22 (d), (e), and (f), respectively;

23 (4) in subsection (c), as so redesignated by
 24 paragraph (3) of this subsection—

1 (A) by inserting “science and” after “de-
2 velopments and trends in” in paragraph (1);

3 (B) by striking “with particular emphasis”
4 in paragraph (1) and all that follows through
5 the end of such paragraph and inserting in lieu
6 thereof “and developing and maintaining rel-
7 evant informational and analytical tools.”;

8 (C) by striking “to determine” and all that
9 follows through “technology policies” in para-
10 graph (2) and inserting in lieu thereof “with
11 particular attention to the scope and content of
12 the Federal science and technology research
13 and develop portfolio as it affects interagency
14 and national issues”;

15 (D) by amending paragraph (3) to read as
16 follows:

17 “(3) Initiation of studies and analysis of alter-
18 natives available for ensuring the long-term strength
19 of the United States in the development and applica-
20 tion of science and technology, including appropriate
21 roles for the Federal Government, State govern-
22 ments, private industry, and institutions of higher
23 education in the development and application of
24 science and technology.”;

1 (E) by inserting “science and” after “Ex-
2 ecutive branch on” in paragraph (4)(A); and

3 (F) by amending paragraph (4)(B) to read
4 as follows:

5 “(B) to the interagency committees and
6 panels of the Federal Government concerned
7 with science and technology.”;

8 (5) in subsection (d), as so redesignated by
9 paragraph (3) of this subsection, by striking “sub-
10 section (d)” and inserting in lieu thereof “subsection
11 (c)”; and

12 (6) by amending subsection (f), as so redesign-
13 nated by paragraph (3) of this subsection, to read
14 as follows:

15 “(f) SPONSORSHIP.—The Director of the Office of
16 Science and Technology Policy shall be the sponsor of the
17 Institute.”.

18 (b) CONFORMING USAGE.—All references in Federal
19 law or regulations to the Critical Technologies Institute
20 shall be considered to be references to the Science Studies
21 Institute.

22 **SEC. 207. NEXT GENERATION INTERNET.**

23 None of the funds authorized by this Act, or any
24 other Act enacted before the date of the enactment of this
25 Act, may be used for the Next Generation Internet.

1 **SEC. 208. LIMITATIONS.**

2 (a) PROHIBITION OF LOBBYING ACTIVITIES.—None
3 of the funds authorized by this Act shall be available for
4 any activity whose purpose is to influence legislation pend-
5 ing before the Congress, except that this subsection shall
6 not prevent officers or employees of the United States or
7 of its departments or agencies from communicating to
8 Members of Congress on the request of any Member or
9 to Congress, through the proper channels, requests for leg-
10 islation or appropriations which they deem necessary for
11 the efficient conduct of the public business.

12 (b) LIMITATION ON APPROPRIATIONS.—Notwith-
13 standing any other provision of law, no sums are author-
14 ized to be appropriated for fiscal years 1998 and 1999
15 for the activities for which sums are authorized by this
16 Act, unless such sums are specifically authorized to be ap-
17 propriated by this Act.

18 (c) ELIGIBILITY FOR AWARDS.—

19 (1) IN GENERAL.—The Director shall exclude
20 from consideration for grant agreements made by
21 the Foundation after fiscal year 1997 any person
22 who received funds, other than those described in
23 paragraph (2), appropriated for a fiscal year after
24 fiscal year 1997, under a grant agreement from any
25 Federal funding source for a project that was not
26 subjected to a competitive, merit-based award proc-

1 ess. Any exclusion from consideration pursuant to
2 this subsection shall be effective for a period of 5
3 years after the person receives such Federal funds.

4 (2) EXCEPTION.—Paragraph (1) shall not
5 apply to the receipt of Federal funds by a person
6 due to the membership of that person in a class
7 specified by law for which assistance is awarded to
8 members of the class according to a formula pro-
9 vided by law.

10 (3) DEFINITION.—For purposes of this sub-
11 section, the term “grant agreement” means a legal
12 instrument whose principal purpose is to transfer a
13 thing of value to the recipient to carry out a public
14 purpose of support or stimulation authorized by a
15 law of the United States, and does not include the
16 acquisition (by purchase, lease, or barter) of prop-
17 erty or services for the direct benefit or use of the
18 United States Government.

19 **SEC. 209. NOTICE.**

20 (a) NOTICE OF REPROGRAMMING.—If any funds au-
21 thorized by this Act are subject to a reprogramming action
22 that requires notice to be provided to the Appropriations
23 Committees of the House of Representatives and the Sen-
24 ate, notice of such action shall concurrently be provided
25 to the Committee on Science of the House of Representa-

1 tives and the Committee on Commerce, Science, and
2 Transportation of the Senate.

3 (b) NOTICE OF REORGANIZATION.—The Director
4 shall provide notice to the Committees on Science and Ap-
5 propriations of the House of Representatives, and the
6 Committees on Labor and Human Resources, Commerce,
7 Science, and Transportation, and Appropriations of the
8 Senate, not later than 15 days before any major reorga-
9 nization of any program, project, or activity of the Foun-
10 dation.

11 **SEC. 210. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
12 **LEM.**

13 With the year 2000 fast approaching, it is the sense
14 of Congress that the Foundation should—

15 (1) give high priority to correcting all 2-digit
16 date-related problems in its computer systems to en-
17 sure that those systems continue to operate effec-
18 tively in the year 2000 and beyond;

19 (2) assess immediately the extent of the risk to
20 the operations of the Foundation posed by the prob-
21 lems referred to in paragraph (1), and plan and
22 budget for achieving Year 2000 compliance for all of
23 its mission-critical systems; and

- 1 (3) develop contingency plans for those systems
- 2 that the Foundation is unable to correct in time.

